

IMPARTIALITY AND INQUIRY

Jack WARMAN

ABSTRACT: Impartiality is often cited as a virtue of inquiry, but it is not clear what it means for an inquiry to be impartial. In this paper, I draw on ground-breaking work on the epistemology of inquiry and epistemic rationality to introduce and argue in favour of a novel account of epistemic impartiality. In my view, epistemic impartiality is ultimately a matter of fairness. According to this new account, which I call the positive account, an inquiry is impartial if and only if its design and execution are appropriately influenced by fair consideration of the interests of the parties that will be affected by the outcomes of the inquiry. Contrary to our pre-theoretical expectations, I argue that epistemic impartiality is not a matter of setting people's interests aside; rather, it requires us to take people's interests seriously when we make our inquiries.

KEYWORDS: impartiality, inquiry, epistemic partiality, epistemic rationality

§1. Introduction

Impartiality is often cited as a virtue of inquiry, but it is not clear what exactly it means for an inquiry to be impartial. In my view, epistemic impartiality is ultimately a matter of fairness. In this paper I introduce and argue in favour of a novel account of epistemic impartiality, which I call the positive account, according to which an inquiry is impartial if and only if its design and execution are appropriately influenced by fair consideration of the interests of the parties that will be affected by the outcomes of the inquiry. In section 2, I introduce the notion of epistemic impartiality in inquiry and explain why it is philosophically puzzling. Then, in section 3, I present some recent work in the epistemology of inquiry and suggest some different ways in which inquiries can succeed and fail, and what this means for the interests of the parties affected by the outcomes of inquiry. In section 4, I evaluate three candidate accounts of epistemic impartiality in inquiry, ultimately settling on the positive account. Finally, in section 5, I provide a sketch of the positive account of epistemic impartiality, focusing on three characteristic components of inquiry, namely, cognitive goals, epistemic standards, and evidence gathering.

§2. Why Epistemic Impartiality?

While it is familiar enough to talk about impartiality, it is not always clear what exactly we mean when we do so. The aim of this paper is to clarify this. Let us consider some examples.

In politics, official public inquiries are expected to play an important role in the system of checks and balances on the government and its departments and agencies. Presumably, not only the democratic, but also the epistemic value of such inquiries depends in part on whether they are impartial. If they are, then not only do they successfully discover truths, but the discovery of these truths serves democratic interests. If they are not, then they might end up undermining the integrity of democracy and serving the interests of the very people whose conduct they were supposed to keep in check.

Impartiality is an ideal of criminal law proceedings. As Michael Sullivan writes, ‘juries are not asked “who would you prefer to win,” but “who did what” and, in light of that, “who is entitled to what under the law?”’ (2017, 294). Furthermore, impartiality is a hallmark of journalistic integrity (see Mozor 2013). For better or worse, recent years have seen a surge of public interest in media bias, with protestations against ‘fake news’ fast becoming an inescapable banality of political discourse. Of course, for journalistic impartiality, there must also be impartiality in what is communicated, about whom, and how. But it is nevertheless plausible that epistemic impartiality is an important component of journalistic impartiality.

When impartiality is mentioned in philosophy, the context is usually ethics. There is a certain appeal to the ethical principle that it ought to be the case that judgements about the distribution of certain kinds of goods and sanctions be made from an impartial standpoint, which is usually taken to mean a standpoint where the decision-makers’ interests and preferences do not have an undue influence.

Nowadays, when impartiality is mentioned in epistemology, it is usually in the context of virtue epistemology or in reference to recent work on epistemic partiality in friendship. Of course, interest in the importance of impartiality for our epistemic lives appears to have a longer history. Lorraine Code explains that the history of philosophy contains ‘a constant thread of belief in the importance of detachment, impartiality, neutrality and cognitive self-reliance for knowers worthy of that name’ (1991, 112). To be sure, Code is not endorsing impartiality as an epistemic virtue. Rather, she offers a powerful feminist critique of the individualistic epistemological outlook which centres the autonomy of reason and upholds the notion that knowledge, once acquired, can be grasped independently of considerations about its production (Code 1991, 110-172). Nevertheless, this suggests that impartiality has enjoyed a certain prominence in the history of

philosophy—all the more reason to be concerned about clarifying exactly what we mean when we talk about it.

The concept of impartiality also features in the philosophical discussions about the nature of scientific objectivity. Hugh Lacey, for instance, describes impartiality as the value of a scientific theory that is accepted only on the basis of a high level of cognitive virtues, such as truth, evidential support, and so on, and not on the basis of non-cognitive (or ‘social’) values (1999). Impartiality is thus a key component (alongside ‘autonomy’ and ‘neutrality’) of science as a ‘value free’ enterprise, on Lacey’s view. ‘Impartiality’, Lacey writes, ‘is the “rock-bottom” component of the idea that the sciences are value free’ (1999, 78). Helen Longino has called this distinction into doubt, on the grounds that these supposedly cognitive values are nevertheless imbued with political and social value (1996).

Epistemic impartiality is sometimes described as a virtuous trait of persons. For example, James Montmarquet defines the epistemic virtue of impartiality as ‘an openness to the ideas of others, the willingness to exchange ideas with and learn from them, the lack of jealousy and personal bias directed at their ideas, and the lively sense of one’s own fallibility’ (1993, 23). Perhaps it is sufficient for an inquiry to be epistemically impartial that the inquirers involved in that inquiry be impartial.

It might not be so easy to distinguish between ethical and epistemological conceptions of impartiality after all. The concepts of partiality and impartiality have been central to recent discussions in the epistemology of friendship. Sarah Stroud (2006) and Simon Keller (2004) have independently defended versions of the thesis that friendship requires epistemic partiality; that is, that being a good friend requires us to regulate the way we form and maintain beliefs about our friends in ways that promote their interests. This ethical question is bound up with a further epistemological one, namely, whether epistemic partiality is just a mild bias, or it requires us to form and hold beliefs in epistemically irrational ways. Both questions have provoked a great deal of discussion.¹ Some critics of Stroud and Keller’s views appear to have interpreted their position as an endorsement of a moral demand, based in friendship, for epistemic irrationality.

In this paper I consider impartiality as a quality of inquiries, but doing this properly requires us to consider carefully what we mean when we talk about inquiries.

¹ See, for instance, contributions by Jason Kawall (2013), Katherine Hawley (2014), Nomy Arpaly and Anna Brinkerhoff (2018), Simon Keller (2018), Mark Schroeder (2018), Sanford Goldberg (2019), and Jack Warman (2024), among others.

§3. What is Inquiry?

In the following section, I present a brief account of inquiry and introduce some of the main components of inquiries that are relevant for considerations about epistemic impartiality, namely: (i) cognitive goals, (ii) epistemic standards, and (iii) methods of evidence gathering. These are not intended to be essential properties of inquiry, but rather, characteristic features. For instance, inquiries about one's own mental states or about logical truths are examples of inquiries which arguably do not involve an evidence-gathering process.

For the sake of argument, I assume the following: an inquiry is a diachronic activity that consists of a person or group's attempts to figure something out.² All kinds of actions can be involved in inquiry, from looking at things and asking questions, to recalling memories and reasoning about hypotheses and their consequences. Inquiries are intentional, but the level of commitment and organisation involved in inquiry can include anything from the modest efforts of a person whose curiosity has been piqued to the highly organized investigations commissioned by governments, businesses, and non-governmental organisations. What true inquiries have in common, Jane Friedman argues (2013), is the attitude of the subjects involved: there is a class of inquiry-related attitudes whose contents are questions, which Friedman calls *interrogative attitudes* (2013, 145). Among these are inquiry, curiosity, investigation, and wondering. These attitudes presuppose ignorance, and they are relieved when we move away from ignorance, when we come to know or otherwise improve our epistemic position (Friedman 2013, 145). Consider how the following pair of sentences seems inconsistent: (i) Sam knows that it is raining in London and (ii) Sam is curious whether it is raining in London. One cannot truly inquire whether p if one knows that p , because truly inquiring whether p presupposes that you do not know that p .³

It can be easy to identify the question contained in someone's interrogative attitude, especially when ascriptions of interrogative attitudes contain imbedded interrogatives (Friedman 2013, 146-147). Take the following sentences:

² Following Jane Friedman (2019). The debate around inquiry has advanced rapidly in recent years, and there is certainly disagreement around the nature and normativity of inquiry. Susanna Siegel (forthcoming a) distinguishes between high and low inquiry. High inquiry refers to the kind of inquiries that involve a degree of executive control in service of answering a question (or otherwise deliberately pursuing some other kind of epistemic benefit). Low inquiry can occur simply through the spontaneous opening of questions and the unprompted arrival of answers in our minds, or simply when our minds wander. In this paper, I am focusing on high inquiry.

³ This argument is based on Friedman's Morse examples (2019).

- 1) Ignacio wonders what the capital city of Nigeria is.
- 2) Claudia inquires whether there is a direct flight from Santiago to London.

The interrogatives embedded in these ascriptions of interrogative attitudes are: ‘What is the capital city of Nigeria?’ and ‘Is there a direct flight from Santiago to London?’ These questions are the contents of Ignacio and Claudia’s interrogative attitudes. Things are a little more complicated in the case of ascriptions of interrogative attitudes that involve embedded noun-phrases (Friedman 2013, 165-166). Now consider the following examples:

- 1) Montserrat is researching the military dictatorship of Chile.
- 2) Junior is curious about 20th century classical music.

These interrogative attitude attributions contain embedded noun phrases, not interrogatives. Nevertheless, the contents of the interrogative attitudes attributed therein are questions, such as: ‘What conditions led to the coup d’état of 1973?’ and ‘Who are the most influential composers of 20th century classical music?’ Thus, even in these slightly more complicated cases, the contents of interrogative attitudes can be parsed as questions.

Interrogative attitudes call for resolution; they are resolved when we find out the answer to the questions at their core. Inquiry allows us to get such answers and, as such, inquiry is a goal-directed activity. To distinguish these from other sorts of goals, such as practical goals, let us refer to them as cognitive goals. An inquiry’s cognitive goals are the questions that the inquiry seeks to answer. When we set out on the road of inquiry, we do not just want the truth, Christopher Hookway observes, we want answers (2008, 1-2). The output of a successful inquiry may be knowledge, truth, or rational belief: this is the subject of some debate.⁴ In any case, successful inquiry yields an improvement in the inquirer’s epistemic standing (Friedman 2020, 507), be this a move from ignorance to knowledge, uncertainty to (justified) confidence, false belief to true belief, etc.

For the sake of argument, let us assume that knowledge is the goal of inquiry, though this is not a central premise of the argument presented here. What is more important at this point is to describe in greater detail the characteristic components and the epistemic outcomes of inquiry. Inquiries are tasks that can succeed or fail. If knowledge is the goal of inquiry, then successful inquiries produce knowledge and

⁴ The view that knowledge is the goal of inquiry is defended by Timothy Williamson (2000) and Christoph Kelp (2014; 2018; 2021), among others. The view that true belief is the goal of inquiry is defended by Jonathan Kvanvig (2003). The view that justified belief is the goal of inquiry is defended by Richard Feldman (2002).

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unsuccessful inquiries fail to produce knowledge.⁵ (I will return to the topic of error below.)

§4. Characteristic Components and Epistemic Outcomes of Inquiry

When trying to answer some question or other, it is often the case that there are many possible answers that one could consider. But not all these possible answers are worth considering. We have to be judicious in selecting our lines of inquiry.⁶ Among all the possible explanations of some phenomenon, there are some relevant alternatives and others that we can call irrelevant alternatives. We can rightly exclude irrelevant alternatives from consideration, but after we have done so, we may well be left with several, incompatible, relevant alternatives.⁷ There can be good and bad reasons to exclude an alternative from consideration. Sometimes, mundane practical considerations might oblige an inquirer to exclude a particular line of inquiry from their inquiry. If a relevant alternative can only be investigated using prohibitively expensive technology, then perhaps the investigators may be justified—in some sense—in excluding it from further consideration. That being said, it is plausible that knowledge of unexplored, relevant alternatives should reduce the inquirers' confidence in any other conclusions they reach in their inquiry.⁸

Suppose that you are investigating a curious noise emanating from behind your refrigerator. The cognitive goal of your investigation is to figure out what is causing the noise. There are many possible explanations. Some relevant possibilities are that mice are nesting behind the refrigerator or that there is an electrical fault. Sometimes we must answer preliminary questions before we can achieve our main cognitive goals. These other questions are our subsidiary cognitive goals. Suppose that the main cognitive goal of your inquiry is to figure out how to stop the noise behind your refrigerator. In this case, your main cognitive goal might only be

⁵ It remains an open possibility that the inquiry fails because its cognitive goals are poorly chosen.

⁶ Susanna Siegel (forthcoming b) argues that lines of inquiry can be evaluated from a zetetic point of view. That position is related to but different from the position outlined in this paper.

⁷ In legal epistemology, Georgi Gardiner (2019) draws on the Relevant Alternatives theory of knowledge, to argue in favour of a Relevant Alternatives framework for legal standards of proof, according to which legal standards of proof should require that relevant alternatives be ruled out. While there is now extensive literature on the Relative Alternatives theory of knowledge, David Lewis's version is perhaps the most influential one (1996).

⁸ Compare how, according to Thomas Kelly, it is a 'Key Epistemological Fact' that 'for a given body of evidence and a given hypothesis that purports to explain that evidence, how confident one should be that the hypothesis is true on the basis of the evidence depends on the space of alternative hypotheses of which one is aware' (2008, 620).

reached *via* the subsidiary cognitive goal (that is, line of inquiry) of determining what is causing the curious noise. Of course, more complicated inquiries may involve more complex structures of cognitive goals. Moreover, inquiries are diachronic and dynamic, in that they take place over time and change as they progress. Consequently, an inquiry's cognitive goals will to some extent be determined *ad hoc*, as evidence emerges and hypotheses are accepted, rejected, or amended. In any case, the primary cognitive goals of an inquiry are the questions that the inquiry seeks to answer about the phenomenon in question.

In addition to cognitive goals, inquiries also have epistemic standards. Indeed, it is perhaps more common in contemporary epistemology to talk about epistemic standards than it is to talk about cognitive goals. William James famously identifies two epistemic standards: the acquisition of true beliefs and the avoidance of false ones (2000/1897, 209).⁹ An inquiry's epistemic standards are a matter of epistemic priorities. Some inquiries prioritize the acquisition of true beliefs and accept the risk believing the occasional falsehood in pursuit of this goal. Other inquiries have the epistemic goal of avoiding falsehood. Consider the difference between two common legal standards of proof, the 'balance of probabilities' standard, also known as the 'preponderance of the evidence' standard, and the 'beyond a reasonable doubt' standard. The demands of the 'balance of probabilities' standard of proof are comparatively weak: all that is required to determine the facts for official purposes according to this standard of proof is that it is more likely than not that the complaint is true, given the evidence under consideration. The 'beyond a reasonable doubt' standard is much more demanding: to determine the facts according to this standard of proof one must show that the evidence under consideration leaves no room for doubts that are not 'unreasonable, imaginary, frivolous, hypothetical, or fanciful' (Gardiner 2017, 222).¹⁰ Now, it cannot be taken for granted that legal standards of proof are epistemic standards. As Kimberly Ferzan explains, 'belief has very little to do with [legal adjudication]. Rather, [jurors] are asked about whether their confidence levels meet whatever the legal standard is' (2021, Ch 4). Nevertheless, legal standards of proof are analogous with epistemic standards in a way that can help us here.

⁹ For prominent articulations of this view, see William Alston 1985, 83-84, and Laurence Bonjour 1985, 7-8. Marian David highlights these passages in his critique of the 'truth goal' of belief (2001). Knowledge has been identified as an epistemic goal (see Timothy Williamson 2001). Interestingly, Jonathan Kvanvig endorses a sort of pluralism about the goals of belief (2005).

¹⁰ Georgi Gardiner points out that this is a more philosophically complicated issue than at first it might seem (2017, fn. 9).

Why would we apply different epistemic standards in different situations? Well, our epistemic standards can make a considerable difference to the outcomes of our inquiries, and at least some of the time we have preferences about what kinds of outcomes our inquiries might have. If we prioritize seeking the truth and accept the risk of believing falsehoods, then we might adopt more permissive epistemic standards, such as the ‘balance of probabilities’ standard. If we prioritize avoiding error, and accept the risk of missing out on some otherwise attainable truths, then we might apply stricter epistemic standards, such as the ‘beyond a reasonable doubt’ standard. This applies in inquiries too. Decisions about where to set one’s epistemic standards are sometimes thought to be guided by evaluations of the relative costs of different types of error (Schroeder 2012, 277-282).¹¹ Type-1 errors occur when one believes that p and p is false. Type-2 errors occur when one does not believe that p but p is true. For a helpful illustration, we can return briefly to legal epistemology: false convictions are an example of a type-1 error; false acquittals are an example of a type-2 error.¹² If, in designing one’s inquiry, one is particularly concerned about type-1 errors, then one might apply more stringent epistemic standards. However, if one is more concerned about type-2 errors, then less stringent epistemic standards might be better suited to the task. Thus, an inquiry’s epistemic standards play an important role in determining its epistemic standards, that is, among other things, the amount of evidence that is required in favour of adopting a certain doxastic attitude towards a proposition before that attitude is formed.¹³

Finally, we turn to evidence gathering. In many ordinary inquiries, inquirers gather evidence. (As mentioned above, there are some plausible exceptions to this.) Whatever the phenomenon under investigation, and regardless of our cognitive goals and epistemic standards, we gather our evidence by making use of the faculties of perception, introspection, memory, testimony, and reason. Of course, in addition to these five means of gaining knowledge, there are broader methodological matters to attend to. Gathering testimonial evidence, to take that example, will involve making decisions about who to speak to, what questions to ask them, and how to ask those questions (including when and where). A police detective investigating a crime might have to make decisions about what kinds of informants should be

¹¹ Observations of this phenomenon have led to the development of highly sophisticated pragmatic encroachment theories of knowledge. Further exploration of this topic lies beyond the scope of this paper. See Blake Roeber 2018 for a critical overview of this topic.

¹² In this paper I follow Gardiner (2017), who follows Larry Laudan (see 2011, 202), in using the terms ‘false conviction’ and ‘false acquittal’ in this way.

¹³ Relatedly, Leonardo Flamini has argued persuasively in favour of a Gricean account of zetetic norms (2025). The impartiality failures described in this section could be accounted for in those terms.

sought, if any, for the purposes of the inquiry. Then they may have to ask whether it is necessary to seek expert testimony or whether the testimony of non-expert bystanders is sufficient for the purposes of their inquiry. Gathering perceptual evidence, likewise, will involve making decisions about where to look, what to look for, and how to look for it. Of course, most inquiries will require the inquirer to rely on a sophisticated combination of all these faculties.

In the preceding paragraphs, I have offered an outline of an account of inquiry. There is, no doubt, more to be said about this topic, but it is sufficient for my purposes to highlight the importance of three distinctive components of inquiries, namely, their cognitive goals, their epistemic standards, and their ways of gathering evidence.

§5. Towards a Novel Account of Epistemic Impartiality

In this section of the essay, I argue for a novel account impartiality in inquiry. The starting point for this account is found not in epistemology, but rather in ethics. Bernard Gert offers an interesting account of ethical impartiality, which will serve as the starting point. Gert's account provides us with necessary and sufficient conditions for ethical impartiality:

A is impartial in respect R with regard to group G if and only if A's actions in respect R are not influenced at all by which member(s) of G benefit or are harmed by these actions. (Gert 1995, 104)

Now, this account of impartiality may be vulnerable to certain kinds of criticisms. It is nevertheless useful for current purposes because, among other things, it draws attention to the thought that impartiality is relevant only 'when disputes arise or interests compete' (Friedman 1989, 646). The sorts of situations in which disputes arise and interests compete when involve the decisions about the distribution of certain kinds of goods. Where epistemic impartiality is concerned, things will look a little different. In my view, when it comes to inquiry, it is what is found out (and what is not), rather than the distribution of goods, that can create the relevant kinds of competing interests and cause disputes to arise among the relevant parties. In the previous section of this paper, I introduced some possible epistemic outcomes of inquiry. In a distinctly epistemic account of impartiality, these epistemic outcomes take the place of considerations about the distribution of goods. Let us start with the following:

Simple epistemic impartiality: an inquiry is impartial if and only if its design and execution are not influenced *at all* by considerations about the interests of the parties that will be affected by the outcomes of the inquiry.

This account of impartial inquiry has the virtue of simplicity—it chimes nicely with the intuition that central to impartiality is the disinterested pursuit of truth. If the simple account is correct, we can achieve impartiality in our inquiries by simply setting aside all considerations about which parties' interests will be affected by its outcomes. This allows us to explain why, for instance, it is a failure of impartiality when a politician decides not to follow up accusations of misconduct by member of the same political party for reasons of political expedience, or why an impartial scientist will look for evidence that would falsify their hypothesis and publish unpromising results that might jeopardise the continued funding of their research.

Unfortunately, for all its simplicity, this account of impartiality seems to be at odds with the thought that impartiality in inquiry is compatible with considering the relevant parties' interests in its outcomes. Criminal trials are (albeit imperfect) examples of inquiries that aim at impartiality. In criminal trials, the evidential threshold for conviction is high, that is, 'beyond a reasonable doubt'. The purpose of this is to prevent wrongful conviction. We do not implement high evidential thresholds just because we are worried about false beliefs. If truth and falsehood are the only relevant epistemic values, then wrongful conviction and wrongful acquittal are equally undesirable outcomes. But it is not the pursuit of epistemic value that motivates impartiality in the criminal justice system, but rather concern for the interests of the affected parties. Unlike the epistemic costs, the ethical costs of wrongful conviction outweigh the costs of wrongful acquittal. This is a case in which we take considerations about the interests of those parties who will be affected by the outcomes of the inquiry very seriously. While many factors may limit the impartiality of criminal trials, this does not seem to be one of them. Taking precautions against wrongful convictions does not make criminal proceedings less impartial.

To accommodate these kinds of cases, we need to add a qualification which specifies under which conditions the considerations about differential interests ought to be excluded. I suggest that what distinguishes the good cases from bad ones—and what is missing from the account suggested above—is fairness.

§6. Fairness and Epistemic Impartiality

The ethical concept of fairness has to do with the weighing of interests and the distribution of goods and harms. Real issues of fairness only arise when there are conflicts of interests. There is no practical issue of fairness when there are no conflicts of interest. Fairness, in this context, is to be understood in terms of two principles, namely, *equality* and *inclusion*. *Equality* is perhaps the more familiar of

the two concepts. It has to do with how much importance we allocate to different people's interests in our moral reasoning. The usual metaphor is weight. If person A's interests are given more importance in our moral reasoning than person B's, then we might say that we have given more weight to person A's interests, or that person A's interests weigh more heavily in our reasoning. *Inclusion* has to do with whose interests are considered relevant in our moral reasoning. The principle of inclusion is satisfied when the interests of all parties who will be affected by the outcome of a decision taken into account. Inclusion is necessary for fairness because without it, one could satisfy the principle of equality whilst only taking into consideration the interests of, say, a privileged minority. For instance, when we consider whose interests will be affected by cutting social welfare benefits, the principle of inclusion requires us to consider the interests of all the people who will be affected by those cuts, and not just, say, how it will benefit the ruling political party's reputation with donors by allowing them to make tax cuts.

My view is that the ethical concept of fairness is the key to a robust account of ethical impartiality. We can start with a modest proposal, which I call *negative epistemic impartiality*:

Negative epistemic impartiality: an inquiry is impartial if and only if its design and execution are not influenced by unfair considerations about the interests of the parties that will be affected by the outcomes of the inquiry.

This account of epistemic impartiality adds a condition which prohibits the unfair influence of considerations about the interests of the parties that will be affected by the inquiry. It says that *if* you take considerations about how people will be differently affected by the outcome of inquiry, then you had better do so in a fair way. To some extent, this account of impartiality chimes with our intuitions about certain cases. It fits, for instance, with the stereotype of the unwavering scientist who is utterly committed to the disinterested pursuit of truth (although I would argue that this image is flawed). Consider the criminal trial example mentioned above, which seems like an example of when it is permissible to take people's interests into account while designing and executing an inquiry, providing it is done fairly—everyone whose interests are at stake is taken into consideration, and everyone's interests are weighed equally.

There is a problem with this more conservative approach to impartiality. It seems to make epistemic impartiality implausibly easy to achieve. If setting aside considerations about which parties will be affected and how by the outcomes an inquiry is sufficient for impartiality, then flipping a coin is always sufficient for deciding *impartially*, even if it lacks probative value. But impartiality sometimes requires us to take our inquiries more seriously than this. In particular, impartiality

sometimes seems to require us to take relevant parties' interests seriously when designing and executing inquiries. Take the example of government ministry's internal investigation of an allegation of bullying made by an intern against a high-ranking official. In such cases, where there is a substantial power differential between the accuser and the accused, it is sometimes recommended that certain measures be taken to protect the accuser. These may include withholding the accuser's identity, providing them with counselling, or allowing them to make a written statement rather than a verbal one. Given what we know about the barriers to reporting misconduct in the hierarchical organisations, it is plausible that not to implement measures such as these is to give extra weight to the interests of the accused, thereby violating the principle of equality.

It seems, then, that the negative account of impartiality, which simply proscribes the influence of certain kinds of factors on the design and execution of inquiry, is untenable. In its stead, I propose what we might call *positive epistemic impartiality*.

Positive epistemic impartiality: an inquiry is impartial if and only if its design and execution are appropriately influenced by fair considerations about the interests of the parties that will be affected by the outcomes of the inquiry.

The positive account places a more stringent demand on inquirers than the negative account. To achieve impartiality, an inquirer must take into account considerations about who will be affected by the epistemic outcomes of the inquiry, and they must do this in an equitable and inclusive way.

This helps to explain the bullying case above. When there is an obvious power differential and the potential harms to both parties are so high, it is clear that impartiality is not served by setting aside considerations about the interests of the relevant parties. It is plausible that for such an inquiry to meet the standard of impartiality, measures that protect and promote the victim's interests, for instance, by encouraging them to speak, are not only permissible, but necessary. Now, the positive account requires that all parties' interests be taken into consideration. That does not have any particularly counterintuitive implications. For instance, the identity of the accused or the nature of the accusation may also be withheld during the investigation to mitigate against the (slim) possibility that the accusation is unproved or false. Note that it does not follow from the positive account that when one party stands to lose much more, their interests are given more weight—there is no finger on the scale, so to speak. Rather, everyone's interests are given the weight they have, and the interests of the party for whom more receive a greater amount of protection than the interests of the party who has less to lose.

This account also has some surprising implications too. The aloof scientist, who has no interest in how the results of their research will affect different parties, fails to be impartial. If it is the case that the different possible outcomes of their research will affect different parties in different ways, then they should take this into account when planning their research. If researchers working on a new drug fail to investigate how it might affect pregnant women, or a city planner prioritizes the interests of property developers when considering how new zoning laws will affect low-income families, then they have failed to be impartial. They have prioritised (or enabled the prioritisation) the interests of one group of people over another, and that is not fair. In short, according to the positive account of impartiality, ‘rising above’ concerns about who stands to benefit or be harmed by the outcome of one’s inquiries is not sufficient for impartiality; rather, impartiality requires us to take those parties’ interests seriously in the planning and execution of our inquiries.

§7. Two Objections

At this stage, it is worth mentioning a couple of potential objections, if only to show that they are unsuccessful. The first objection goes like this: consider an inquiry where there is little-to-nothing at stake, for instance, Junior’s inquiry into the history of 20th century classic music. Surely, according to the objection, it is not necessary for Junior to stop and consider how the different outcomes of his inquiry might affect different people differently, or else risk failing to be impartial? That would make impartiality implausibly demanding.

The response to this objection is that, since there is no conflict of interest, impartiality simply is not a relevant concept for evaluating Junior’s inquiry. There are many ways to evaluate an inquiry, and in this case, impartiality just is not the right concept to apply. The inquiry does not fail to be impartial, in the same way that a game of solitaire is not *unfair* just because the person playing it stacks the deck in their own favour.

The second objection is as follows: we might worry that an inquiry whose design and execution are influenced by fair consideration of the interests of the parties involved may nevertheless be derailed by the unconscious prejudices of the people involved in conducting the inquiry. Consider the following case. An inquirer conducts an inquiry, the design and execution of which are not apparently subject the influence of unfair considerations about the interests of the parties that will be affected by its outcomes. But unfortunately, the inquirer’s epistemic faculties are impaired by the influence of certain prejudices. In particular, among the cognitive biases that shape the inquirer’s judgement are stereotypes about criminality. The

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inquirer does not think that people with a criminal record are less deserving than other citizens, but thanks to the influence of stereotypes, they form and maintain their beliefs in ways that prejudice their inquiries against those with criminal records. This inquiry, so the objection goes, has satisfied the conditions of the positive account of impartiality but does not seem to meet our expectations of an impartial inquiry.

This objection is unsuccessful, because the positive account of epistemic impartiality already precludes prejudice from impartial inquiry. A person's prejudices shape the design and execution of their inquiries in ways that can differentially benefit and harm the interests of different parties according to their social identity. The positive account of epistemic impartiality imposes on inquirers the demand that the way they plan and carry out their inquiries is informed by considerations about how different parties could be affected by its outcomes. Therefore, the positive account demands of inquirers that they take their own prejudices into account when designing and executing their inquiries. Thus, the objection fails.

§8. Epistemic Impartiality and Inquiry

Cognitive goals are the questions we ask; epistemic standards and evidence gathering determine the answers find. In this section of the paper, I flesh out in much greater detail the nature of epistemic partiality in relation to the concept of inquiry and these characteristic components. I do this by considering several different ways in which inquiries can fail to be impartial at the levels of cognitive goals, epistemic standards, and evidence gathering.¹⁴

§9. Epistemic Impartiality and Cognitive Goals

First, I explain how an inquiry can fail to be epistemically impartial at the level of cognitive goals. An inquiry's cognitive goals can be represented as questions which the inquiry seeks to answer. An inquiry fails to be epistemically impartial at the level of cognitive goals if it fails to consider how the cognitive goals of the inquiry may benefit or harm the interests of the relevant parties, giving equal weight to the interests of all the parties who will be affected.

A successful inquiry can uncover all manner of facts. What facts are uncovered will be determined partly by the cognitive goals of the inquiry. While there is no guarantee that any of an inquiry's cognitive goals will be met, let alone all of them, the fact that an inquiry has 'whether *p*' among its cognitive goals

¹⁴ This section adapts some ideas first presented in Warman 2019.

increases the probability that the inquiry will find out whether p . Exactly which facts are brought to light will, in some cases, differentially harm or benefit the various parties associated with the inquiry. So, decisions about which cognitive goals to pursue and which to abandon have the potential to differentially harm and benefit the various parties involved in an inquiry. Indeed, as Max Weber notes, the very questions we ask—the cognitive goals we set for our inquiries—are determined on the basis of value judgements (1917 [1949]).

We can see this in the following example: imagine an inquiry into a mining contract in aboriginal territories. Suppose that the inquiry received allegations that a government minister who was closely involved in the negotiations had received large payments in an offshore bank account in the months before the awarding of the mining contract. This discovery would harm the minister and the mining company which was awarded the rights. If the question whether the minister received bribes was excluded from the cognitive goals of the inquiry in order to avoid this harm, then the inquiry fails to be epistemically impartial as a result. However, if this cognitive goal was excluded from the inquiry not because of how such discoveries could harm the minister's reputation, but rather, because the allegations had not even the air of reality, then the decision to exclude them is consistent with the inquiry being impartial. This is a simple illustration of the fact that the way that inquiries' cognitive goals are chosen is an important aspect of epistemic impartiality. What we see here is one of many ways in which decisions about the cognitive goals of an inquiry can differentially benefit or harm.

Things get more complicated when small differences between possible cognitive goals make a significant difference to the possible consequences of an inquiry for those parties whose fortunes are tied to it. Let us return to the example of the Iraq Inquiry. The UK government attempted to justify its involvement in the Iraq War as an appropriate response to the existential threat presented by Iraq's alleged possession of weapons of mass destruction, among other considerations. Consequently, the matter of what the UK government knew about Iraq's military capabilities is central to the question of whether the UK's involvement in the Iraq War was ethically justified. When no such weapons were found, the legitimacy of this aspect of their justification for invading Iraq was called into question. Consider the range of possible cognitive goals that could have been applied in the Iraq Inquiry and the possible consequences that setting different cognitive goals might have for the UK government and the other involved parties. One possible cognitive goal of the Iraq Inquiry could have been to find out whether the UK government believed that Iraq had weapons of mass destruction. Another possible cognitive goal of the Iraq Inquiry could be to find out whether the UK government reasonably or perhaps

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responsibly believed that Iraq had weapons of mass destruction. A third possible cognitive goal of the Iraq Inquiry could be to find out whether the UK government knew that Iraq did not have weapons of mass destruction.

Each of these cognitive goals, if adopted, could have quite different consequences for the UK government and the other parties involved. Indeed, the UK government might well stand to benefit or be harmed, depending on which cognitive goal is chosen by the inquiry. To prioritize as a cognitive goal the question whether the UK government reasonably believed that Iraq had weapons of mass destruction may be to ask the wrong question: it is possible that while they held that belief, they did so in an epistemically irresponsible way, for instance, by forming their beliefs on the basis of conjecture and unreliable testimony. The cognitive goal of whether the UK government knew that Iraq did not have weapons of mass destruction might have quite different ethical and legal consequences for them. Let us imagine that the inquiry decided not to investigate whether the UK government knew that Iraq did not have weapons of mass destruction. If the investigators' decision not to pursue this line of inquiry were influenced by unfair considerations about how an affirmative answer would harm the UK government, then the inquiry would fail to be impartial.

At several points during an inquiry the inquirers must decide what to set as their cognitive goals, and how and when to update them, both when the inquiry begins and as they uncover new information. The crucial point here is the following: if there is a conflict of interest but these decisions but fair considerations is not given to the parties that will be harmed by or benefit from the possible epistemic outcomes of that inquiry, depending on what cognitive goals are selected or rejected, then that inquiry fails to be epistemically impartial.

§10. Impartiality and Epistemic Standards

Even if the cognitive goals of an inquiry are established with epistemic impartiality, the same inquiry can nevertheless fail to be epistemically impartial because of the way that its epistemic standards are selected. In this section, I explain how an inquiry can fail to be epistemically impartial at the level of epistemic standards. In particular, an inquiry fails to be epistemically impartial at the level of epistemic standards if it fails to take into account how the epistemic standards it employs may harm benefit or harm one or more of the parties involved in the inquiry.

Suppose that a journalist is investigating allegations that a group of politicians have abused their parliamentary expenses. The epistemic outcomes of their inquiry could have quite serious professional and legal consequences for the politicians involved. Furthermore, suppose that the journalist's cognitive goals have been

selected impartially. The questions they seek to answer do not favour the politicians of one party or another. However, in pursuing these cognitive goals, the journalist fails to be epistemically impartial if their decisions about how to set their epistemic standards are affected by considerations about which politicians will benefit or be harmed by the possible outcomes of the inquiry. Suppose that the journalist has undisclosed connections with the politicians they are investigating and does not want to harm their political career. In this case, the journalist might set high epistemic standards when investigating claims that this politician abused their parliamentary expenses. By applying high epistemic standards, the journalist can withhold judgement about the conduct of their political favourites. In cases like this, withholding judgement protects the journalist's political favourites from the professional and legal trouble that might follow, if it were uncovered that they had abused their parliamentary expenses. In so doing, I suggest, the journalist's inquiry fails to be impartial. The reason for this is that their decision to implement high epistemic standards was influenced by considerations about who would be harmed by the findings of their inquiry.

We can take this story in a different direction to illustrate a different aspect of epistemic impartiality in inquiry: suppose that not only does our journalist have their political favourites, but they also have political targets. Suppose that the allegations of unethical behaviour are made not against the journalist's political friends, but rather, their political targets. The biased journalist might then apply much weaker epistemic standards when investigating the same allegations when they are levelled against members of the opposition. By applying low epistemic standards, the journalist can reach damning judgements about the conduct of their political enemies with only minimal evidential support. In cases like this, reaching such judgements on minimal evidence exposes the journalist's political enemies to the professional and legal trouble that follows if it is reported that they had abused their parliamentary expenses. In so doing, I suggest, the journalist's inquiry fails to be epistemically impartial. The reason for this is that their decision to implement low epistemic standards was influenced by considerations about who would be harmed by the findings of their inquiry.

Before moving on, I will make two further remarks on epistemic standards and impartiality. Inquiries are, as I have already mentioned, dynamic processes. At several points during an inquiry, the inquirers must decide whether to adjust their epistemic standards, both when the inquiry begins and as they uncover new information. The crucial point here is that, if these decisions are influenced by considerations about which parties will be harmed or benefit by the possible epistemic outcomes of that inquiry, depending on what epistemic standards are

selected, then that inquiry fails to be epistemic impartial. Moreover, it is important to note explicitly that there may well be legitimate reasons to adjust one's epistemic standards. I do not mean to argue that raising or lowering one's epistemic standards in response to considerations about who the epistemic outcomes of an inquiry will harm or benefit always leads to epistemic impartiality failures, especially when we consider that not all harms are equal. Sometimes, for example, it is responsible to implement higher epistemic standards to mitigate the risk of unjustly harming one party.

§11. Impartiality and Gathering Evidence

In addition to establishing an inquiry's cognitive goals and epistemic standards, the inquirers must also gather evidence. In this section, I will explain how practices of gathering evidence can achieve epistemic impartiality, and how they can fail to live up to this standard. An inquiry fails to be epistemically impartial at the level of evidence gathering if it fails to take into account how different methods of evidence gathering may benefit or harm the interests of one or more of the parties involved in the inquiry.

What evidence we gather and how we gather it can affect the outcome of an inquiry. And when the outcome of an inquiry can differentially harm or benefit the parties involved in that inquiry, a space opens in which the inquiry can be assessed according to the standard of epistemic impartiality.

A caveat: when thinking about how the ways in which evidence is gathered in an inquiry can differentially harm and benefit the parties involved, we must carefully distinguish between the *epistemic* and *practical* consequences of those processes. We must be careful to distinguish between, on the one hand, those cases in which processes have differential *epistemic* outcomes for the parties involved in an inquiry, and on the other hand, those cases in which processes have different *practical* outcomes for the parties involved in an inquiry. Consider the following example. At the time of writing, abortion is legal in Missouri but according to Missouri state law, in order to access abortion, patients are legally obliged to undergo two invasive pelvic exams by the physician who will carry out the procedure. The official justification for this policy is that these tests are required for informed consent. However, it has been alleged that the real reason why this requirement has been made is to dissuade people from accessing safe abortions; indeed, the American College of Obstetricians and Gynecologists itself has said that these examinations have no medical justification except in special cases (2019). A plausible reading of this case is that the pelvic exams are made not because of the *epistemic* outcomes that they might have for the patient (or the physician, for that matter), but rather,

because the *practical* outcomes that they might yield, namely, that the invasive exams themselves deter some people from accessing abortion. We must be careful not to confuse the practical outcomes of evidence gathering practices with the epistemic ones which concern us in this paper.

At several points during an inquiry, the inquirers must make decisions about how to gather their evidence. They must do this both as the inquiry begins and as they uncover new information. Moreover, they must make these decisions in suboptimal conditions: for instance, inquiries very often face mundane practical limitations, such as resource scarcity and time constraints. Inquiries may also be hindered by lack of skills and expertise. But not all the decisions we make about what evidence we gather and how we gather it reflect such mundane considerations. Sometimes the decisions we make about what evidence to gather and how to gather it reflect our interests in what inquiry conclusions an inquiry reaches and in what facts it leaves uncovered. The crucial point here is that if these decisions are influenced by considerations about which parties will be harmed or benefit by the possible epistemic outcomes of that inquiry, depending on what methods of evidence gathering are selected or rejected, then that inquiry fails to be epistemically impartial.¹⁵

Consider the following example: a financier is accused of financial misconduct. This accusation is to be investigated by a committee. To reach a verdict, the committee must gather a body of evidence. What kinds of evidence could they look for? One way to think about this is purely as a matter of belief-forming processes. They could seize his work computers and examine the files stored upon them. They could check the office's CCTV recordings to see whether he acted suspiciously. They could ask his colleagues for information relating to his integrity.

However, there is another relevant way that we can think about evidence and bodies of evidence, namely, in terms of what sorts of conclusions or verdicts they support. Consider the concepts of inculpatory and exculpatory evidence. In an investigation into an accusation of wrongdoing, inculpatory evidence supports the conclusion that the accusation is true. Exculpatory evidence supports the conclusion that the accusation is false. One way that an inquiry can differentially benefit or harm the parties involved in the inquiry is that decisions about whether to seek

¹⁵ We might further ask whether falling to seek evidence that is relevant to our cognitive goals is a violation of epistemic norms. For instance, consider Jane Friedman's Zetetic Instrument Principle, according to which: 'If one wants to figure out Q², then one ought to take the necessary means to figuring out Q' (2020). Similarly, Richard Hall and Charles Johnson defend the claim that: 'For any proposition that is less than certain on one's present evidence, one has an epistemic duty to seek more evidence about that proposition' (1998, 133).

inculpatory or exculpatory evidence are informed by considerations about which of those parties stands to benefit or be harmed by the discovery of inculpatory or exculpatory evidence. And as I have stressed throughout this section of the paper, this aspect of epistemic impartiality should be understood as a consequence of the possible outcomes of the inquiry. Let us return to our financier. At some point, the committee charged with investigating his alleged wrongdoing will have to decide what evidence to collect and how to collect it. One way in which the committee might fail to be epistemically impartial in this aspect of their inquiry is by deliberately avoiding inculpatory evidence. Now, this may not be straightforward. You might think that if they know that there is inculpatory evidence out there and, what is more, they know how to avoid it, then, in a sense, they already possess some inculpatory evidence! After all, you might think, evidence of evidence is itself evidence.¹⁶ But this is not the right way to understand what is going on here. It is possible to know where inculpatory evidence might be found, if it exists, and then to avoid gathering that evidence by declining to look for that kind of evidence in those kinds of places. If you know that in general the ‘smoking gun’ in cases of financial misconduct is often found in the bank statements of the accused, then you can avoid finding the smoking gun by not investigating the bank statements of the accused. This is just one example of how evidence gathering processes can be manipulated to protect the interests of certain parties, even if the cognitive goals and epistemic standards of that inquiry have been established impartially.

§12. Final Remarks

In this paper, I have presented a view of epistemic impartiality based on fairness, called the positive account. Epistemic impartiality is relevant only when there are conflicts of interests stemming from the possible outcomes of an inquiry, but when there is a conflict of interests, we are ‘positively required’ to take affected parties’ interests into consideration. According to the account defended in this paper, an inquiry is impartial if and only if its design and execution are appropriately influenced by fair considerations about the interests of the parties that will be affected by the outcomes of the inquiry. Emphasising the relationship between epistemic impartiality and inquiry, I have considered what impartiality means for the way we select and update our cognitive goals, how we set our epistemic standards, and how we gather evidence. Epistemic impartiality is not a matter of

¹⁶ The claim that ‘evidence of evidence is evidence’ is controversial. See Feldman 2014 and Tal & Comesaña 2017 for important contributions to this debate.

setting people's interests aside; rather, it requires us to take people's interests seriously when make our inquiries.¹⁷

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¹⁷ This work was supported by a grant from the Agencia Nacional de Investigación y Desarrollo (ANID), Chile, FONDECYT Postdoctorado No. 3200770. I am very grateful for thoughtful comments and constructive feedback on various versions of this paper or the arguments it contains from Chloe Wall, Jonathan Ichikawa, David Eford, and Katherine Hawley, and to participants at the Otago University Philosophy Seminar.

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